

107TH CONGRESS
2D SESSION

H. R. 3994

To authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2002

Mr. HYDE (for himself, Mr. LANTOS, Mr. GILMAN, and Mr. ACKERMAN) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; DEFINI-**
4 **TION.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Afghanistan Freedom Support Act of 2002”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

Sec. 1. Short title; table of contents; definition.

TITLE I—ECONOMIC AND DEMOCRATIC DEVELOPMENT
ASSISTANCE FOR AFGHANISTAN

- Sec. 101. Declaration of policy.
- Sec. 102. Purposes of assistance.
- Sec. 103. Principles of assistance.
- Sec. 104. Authorization of assistance.
- Sec. 105. Promoting cooperation in major opium producing regions of Afghanistan.
- Sec. 106. Coordination of assistance.
- Sec. 107. Administrative provisions.
- Sec. 108. Authorization of appropriations.

TITLE II—MILITARY ASSISTANCE FOR AFGHANISTAN AND CERTAIN OTHER FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS

- Sec. 201. Support for security during transition in Afghanistan.
- Sec. 202. Authorization of assistance.
- Sec. 203. Eligible foreign countries and eligible international organizations.
- Sec. 204. Reimbursement for assistance.
- Sec. 205. Authority to provide assistance.
- Sec. 206. Sunset.

1 (c) DEFINITION.—In this Act, the term “Government
2 of Afghanistan” includes the government of any political
3 subdivision of Afghanistan, and any agency or instrumen-
4 tality of the Government of Afghanistan.

5 **TITLE I—ECONOMIC AND DEMO-**
6 **CRATIC DEVELOPMENT AS-**
7 **SISTANCE FOR AFGHANISTAN**

8 **SEC. 101. DECLARATION OF POLICY.**

9 Congress makes the following declarations:

- 10 (1) The United States and the international
11 community should support efforts that advance the
12 development of democratic civil authorities and insti-
13 tutions in Afghanistan and the establishment of a
14 new broad-based, multi-ethnic, gender-sensitive, and
15 fully representative government in Afghanistan.

1 (2) The United States, in particular, should
2 provide its expertise to meet immediate humani-
3 tarian and refugee needs, fight the production and
4 flow of illicit narcotics, and aid in the reconstruction
5 of Afghanistan's agriculture, health care, and edu-
6 cational systems.

7 (3) By promoting peace and security in Afghan-
8 istan and preventing a return to conflict, the United
9 States and the international community can help en-
10 sure that Afghanistan does not again become a
11 source for international terrorism.

12 (4) The United States should support the objec-
13 tives agreed to on December 5, 2001, in Bonn, Ger-
14 many, regarding the provisional arrangement for Af-
15 ghanistan as it moves toward the establishment of
16 permanent institutions and, in particular, should
17 work intensively toward ensuring the future neu-
18 trality of Afghanistan, establishing the principle that
19 neighboring countries and other countries in the re-
20 gion do not threaten or interfere in one another's
21 sovereignty, territorial integrity, or political inde-
22 pendence, including supporting diplomatic initiatives
23 to support this goal.

24 (5) The special emergency situation in Afghani-
25 stan, which from the perspective of the American

1 people combines security, humanitarian, political,
2 law enforcement, and development imperatives, re-
3 quires that the President should receive maximum
4 flexibility in designing, coordinating, and admin-
5 istering efforts with respect to assistance for Af-
6 ghanistan and that a temporary special program of
7 such assistance should be established for this pur-
8 pose.

9 **SEC. 102. PURPOSES OF ASSISTANCE.**

10 The purposes of assistance authorized by this title
11 are—

12 (1) to help assure the security of the United
13 States and the world by reducing or eliminating the
14 likelihood of violence against United States or allied
15 forces in Afghanistan and to reduce the chance that
16 Afghanistan will again be a source of international
17 terrorism;

18 (2) to support the continued efforts of the
19 United States and the international community to
20 address the humanitarian crisis in Afghanistan and
21 among Afghan refugees in neighboring countries;

22 (3) to fight the production and flow of illicit
23 narcotics, to control the flow of precursor chemicals
24 used in the production of heroin, and to enhance and
25 bolster the capacities of Afghan governmental au-

1 thorities to control poppy cultivation and related ac-
2 tivities;

3 (4) to help achieve a broad-based, multi-ethnic,
4 gender-sensitive, and fully representative government
5 in Afghanistan that is freely chosen by the people of
6 Afghanistan and that respects the human rights of
7 all Afghans, particularly women, including author-
8 izing assistance for the rehabilitation and recon-
9 struction of Afghanistan with a particular emphasis
10 on meeting the educational, health, and sustenance
11 needs of women and children to better enable their
12 full participation in Afghan society;

13 (5) to support the Government of Afghanistan
14 in its development of the capacity to facilitate, orga-
15 nize, develop, and implement projects and activities
16 that meet the needs of the Afghan people;

17 (6) to foster the participation of civil society in
18 the establishment of the new Afghan government in
19 order to achieve a broad-based, multiethnic, gender-
20 sensitive, fully representative government freely cho-
21 sen by the Afghan people, without prejudice to any
22 decisions which may be freely taken by the Afghan
23 people about the precise form in which their govern-
24 ment is to be organized in the future, as may be de-
25 cided through the convening of a traditional Afghan

1 assembly or “Loya Jirga” as agreed to on December
2 5, 2001, in Bonn, Germany; and

3 (7) to support the reconstruction of Afghani-
4 stan through, among other things, programs that
5 create jobs and rebuild the agriculture sector, the
6 health care system, and the educational system of
7 Afghanistan.

8 **SEC. 103. PRINCIPLES OF ASSISTANCE.**

9 The following principles should guide the provision of
10 assistance authorized by this title:

11 (1) **TERRORISM AND NARCOTICS CONTROL.**—
12 Assistance should be designed to reduce the likeli-
13 hood of harm to United States and other allied
14 forces in Afghanistan and the region, the likelihood
15 of additional acts of international terrorism ema-
16 nating from Afghanistan, and the cultivation, pro-
17 duction, trafficking, and use of illicit narcotics in Af-
18 ghanistan.

19 (2) **ROLE OF WOMEN.**—Assistance should in-
20 crease the participation of women at the national,
21 regional, and local levels in Afghanistan, wherever
22 feasible, by enhancing the role of women in decision-
23 making processes, as well as by providing support
24 for programs that aim to expand economic and edu-
25 cational opportunities and health programs for

1 women and educational and health programs for
2 girls.

3 (3) AFGHAN OWNERSHIP.—Assistance should
4 build upon Afghan traditions and practices. The
5 strong tradition of community responsibility and
6 self-reliance in Afghanistan should be built upon to
7 increase the capacity of the Afghan people and insti-
8 tutions to participate in the reconstruction of Af-
9 ghanistan.

10 (4) STABILITY.—Assistance should encourage
11 the restoration of security in Afghanistan, including,
12 among other things, the disarmament, demobiliza-
13 tion, and reintegration of combatants, and the estab-
14 lishment of the rule of law, including the establish-
15 ment of a police force and an effective, independent
16 judiciary.

17 (5) COORDINATION.—Assistance should be part
18 of a larger donor effort for Afghanistan. The mag-
19 nitude of the devastation—natural and manmade—
20 to institutions and infrastructure make it imperative
21 that there be close coordination and collaboration
22 among donors. The United States should endeavor
23 to assert its leadership to have the efforts of inter-
24 national donors help achieve the purposes estab-
25 lished by this title.

1 **SEC. 104. AUTHORIZATION OF ASSISTANCE.**

2 (a) IN GENERAL.—The President is authorized to
3 provide assistance for Afghanistan for the following activi-
4 ties:

5 (1) URGENT HUMANITARIAN NEEDS.—To assist
6 in meeting the urgent humanitarian needs of the
7 people of Afghanistan, including assistance such
8 as—

9 (A) emergency food, shelter, and medical
10 assistance;

11 (B) clean drinking water and sanitation;

12 (C) preventative health care, including
13 childhood vaccination, therapeutic feeding, ma-
14 ternal child health services, and infectious dis-
15 eases surveillance and treatment; and

16 (D) family tracing and reunification serv-
17 ices.

18 (2) REPATRIATION AND RESETTLEMENT OF
19 REFUGEES AND INTERNALLY DISPLACED PER-
20 SONS.—To assist refugees and internally displaced
21 persons as they return to their home communities in
22 Afghanistan and to support their reintegration into
23 those communities, including assistance such as—

24 (A) assistance identified in paragraph (1);

25 (B) assistance to communities, including
26 those in neighboring countries, that have taken

1 in large numbers of refugees in order to reha-
2 bilitate or expand social, health, and edu-
3 cational services that may have suffered as a
4 result of the influx of large numbers of refu-
5 gees;

6 (C) assistance to international organiza-
7 tions and host governments in maintaining se-
8 curity by screening refugees to ensure the ex-
9 clusion of armed combatants, members of for-
10 eign terrorist organizations, and other individ-
11 uals not eligible for economic assistance from
12 the United States; and

13 (D) assistance for voluntary refugee repa-
14 triation and reintegration inside Afghanistan
15 and continued assistance to those refugees who
16 are unable or unwilling to return.

17 (3) COUNTERNARCOTICS EFFORTS.—(A) To as-
18 sist in the eradication of poppy cultivation, the dis-
19 ruption of heroin production, and the reduction of
20 the overall supply and demand for illicit narcotics in
21 Afghanistan and the region, with particular empha-
22 sis on assistance to—

23 (i) eradicate opium poppy, establish crop
24 substitution programs, purchase nonopium
25 product from farmers in opium-growing areas,

1 quick-impact public works programs to divert
2 labor from narcotics production, develop
3 projects directed specifically at narcotics pro-
4 duction, processing, or trafficking areas to pro-
5 vide incentives to cooperation in narcotics sup-
6 pression activities, and related programs;

7 (ii) establish or provide assistance to one
8 or more entities within the Government of Af-
9 ghanistan, including the Afghan State High
10 Commission for Drug Control, and to provide
11 training and equipment for the entities, to help
12 enforce counternarcotics laws in Afghanistan
13 and limit illicit narcotics growth, production,
14 and trafficking in Afghanistan;

15 (iii) train and provide equipment for cus-
16 toms, police, and other border control entities in
17 Afghanistan and the region relating to illicit
18 narcotics interdiction and relating to precursor
19 chemical controls and interdiction to help dis-
20 rupt heroin production in Afghanistan and the
21 region;

22 (iv) continue the annual opium crop survey
23 and strategic studies on opium crop planting
24 and farming in Afghanistan; and

1 (v) reduce demand for illicit narcotics
2 among the people of Afghanistan, including ref-
3 ugees returning to Afghanistan.

4 (B) For each of the fiscal years 2002 through
5 2005, not less than \$15,000,000 of the amount
6 made available to carry out this title should be made
7 available for a contribution to the United Nations
8 Drug Control Program for the purpose of carrying
9 out activities described in clauses (i) through (v) of
10 subparagraph (A). Amounts made available under
11 the preceding sentence are in addition to amounts
12 otherwise available for such purposes.

13 (4) REESTABLISHMENT OF FOOD SECURITY,
14 REHABILITATION OF THE AGRICULTURE SECTOR,
15 IMPROVEMENT IN HEALTH CONDITIONS, AND THE
16 RECONSTRUCTION OF BASIC INFRASTRUCTURE.—To
17 assist in expanding access to markets in Afghani-
18 stan, to increase the availability of food in markets
19 in Afghanistan, to rehabilitate the agriculture sector
20 in Afghanistan by creating jobs for former combat-
21 ants, returning refugees, and internally displaced
22 persons, to improve health conditions, and assist in
23 the rebuilding of basic infrastructure in Afghanistan,
24 including assistance such as—

1 (A) rehabilitation of the agricultural infra-
2 structure, including irrigation systems and
3 rural roads;

4 (B) extension of credit;

5 (C) provision of critical agricultural inputs,
6 such as seeds, tools, and fertilizer, and
7 strengthening of seed multiplication, certifi-
8 cation, and distribution systems;

9 (D) improvement in the quantity and qual-
10 ity of water available through, among other
11 things, rehabilitation of existing irrigation sys-
12 tems and the development of local capacity to
13 manage irrigation systems;

14 (E) livestock rehabilitation through market
15 development and other mechanisms to dis-
16 tribute stocks to replace those stocks lost as a
17 result of conflict or drought;

18 (F) mine awareness and demining pro-
19 grams and programs to assist mine victims, war
20 orphans, and widows;

21 (G) programs relating to infant and young
22 child feeding, immunizations, vitamin A sup-
23 plementation, and prevention and treatment of
24 diarrheal diseases and respiratory infections;

1 (H) programs to improve maternal and
2 child health and reduce maternal and child
3 mortality;

4 (I) programs to improve hygienic and sani-
5 tation practices and for the prevention and
6 treatment of infectious diseases, such as tuber-
7 culosis and malaria;

8 (J) programs to reconstitute the delivery of
9 health care, including the reconstruction of
10 health clinics or other basic health infrastruc-
11 ture; and

12 (K) disarmament, demobilization, and re-
13 integration of armed combatants into society,
14 particularly child soldiers.

15 (5) REESTABLISHMENT OF AFGHANISTAN AS A
16 VIABLE NATION-STATE.—To assist in the develop-
17 ment of the capacity of the Government of Afghani-
18 stan to meet the needs of the people of Afghanistan
19 through, among other things, support for the devel-
20 opment and expansion of democratic and market-
21 based institutions, including assistance such as—

22 (A) support for international organizations
23 that provide civil advisers to the Government of
24 Afghanistan;

1 (B) support for an educated citizenry
2 through improved access to basic education;

3 (C) programs to enable the Government of
4 Afghanistan to recruit and train teachers, with
5 special focus on the recruitment and training of
6 female teachers;

7 (D) programs to enable the Government of
8 Afghanistan to develop school curriculum that
9 incorporates relevant information such as land-
10 mine awareness, food security and agricultural
11 education, human rights awareness, and civic
12 education;

13 (E) support for the activities of the Gov-
14 ernment of Afghanistan to draft a new constitu-
15 tion, other legal frameworks, and other initia-
16 tives to promote the rule of law in Afghanistan;

17 (F) support to increase the transparency,
18 accountability, and participatory nature of gov-
19 ernmental institutions, including programs de-
20 signed to combat corruption and other pro-
21 grams for the promotion of good governance;

22 (G) support for an independent media;

23 (H) programs that support the expanded
24 participation of women and members of all eth-

1 nic groups in government at national, regional,
2 and local levels;

3 (I) programs to strengthen civil society or-
4 ganizations that promote human rights and
5 support human rights monitoring;

6 (J) support for national, regional, and
7 local elections and political party development;
8 and

9 (K) support for the effective administra-
10 tion of justice at the national, regional, and
11 local levels, including the establishment of a re-
12 sponsible and community-based police force.

13 (6) MARKET ECONOMY.—To support the estab-
14 lishment of a market economy, the establishment of
15 private financial institutions, the adoption of policies
16 to promote foreign direct investment, the develop-
17 ment of a basic telecommunication infrastructure,
18 and the development of trade and other commercial
19 links with countries in the region and with the
20 United States, including policies to—

21 (A) encourage the return of Afghanistan
22 citizens or nationals living abroad who have
23 marketable and business-related skills;

24 (B) establish financial institutions, includ-
25 ing credit unions, cooperatives, and other enti-

1 ties providing microenterprise credits and other
2 income-generation programs for the poor, with
3 particular emphasis on women;

4 (C) facilitate expanded trade with coun-
5 tries in the region;

6 (D) promote and foster respect for basic
7 workers' rights and protections against exploi-
8 tation of child labor;

9 (E) develop handicraft and other small-
10 scale industries; and

11 (F) provide financing programs for the re-
12 construction of Kabul and other major cities in
13 Afghanistan.

14 (b) LIMITATION.—

15 (1) IN GENERAL.—Amounts made available to
16 carry out this title (except amounts made available
17 for assistance under paragraphs (1) through (3) and
18 subparagraphs (F) through (I) of paragraph (4) of
19 subsection (a)) may be provided only if—

20 (A) with respect to assistance for fiscal
21 year 2003, the President first determines and
22 certifies to Congress that a traditional Afghan
23 assembly or “Loya Jirga” has been convened
24 and has decided on a broad-based, multiethnic,

1 gender-sensitive, fully representative transi-
2 tional authority for Afghanistan; and

3 (B) with respect to assistance for fiscal
4 years 2004 and 2005, the President first deter-
5 mines and certifies to Congress with respect to
6 the fiscal year involved that substantial
7 progress has been made toward adopting a con-
8 stitution and establishing a democratically elect-
9 ed government for Afghanistan.

10 (2) WAIVER.—

11 (A) IN GENERAL.—The President may
12 waive the application of subparagraph (A) or
13 (B) of paragraph (1) if the President first de-
14 termines and certifies to Congress that it is in
15 the vital national interest of the United States
16 to do so.

17 (B) CONTENTS OF CERTIFICATION.—A
18 certification transmitted to Congress under sub-
19 paragraph (A) shall include—

20 (i) a full and complete description of
21 the vital national interest of the United
22 States that is placed at risk by reason the
23 application of subparagraph (A) or (B) of
24 paragraph (1), as the case may be; and

1 (ii) an analysis of the risk described
2 in clause (i) versus the risk to the vital na-
3 tional interest of the United States by rea-
4 son of the failure to exercise the waiver au-
5 thority of subparagraph (A).

6 **SEC. 105. PROMOTING COOPERATION IN MAJOR OPIUM**
7 **PRODUCING REGIONS OF AFGHANISTAN.**

8 (a) IN GENERAL.—Except as provided in subsection
9 (b), a portion of the amount made available to carry out
10 this title for a fiscal year shall be available for assistance
11 in the major opium producing regions of Afghanistan, in-
12 cluding areas within the Badakshan, Helmand, and
13 Qandahar provinces with the goal of assisting in the elimi-
14 nation of poppy cultivation. Assistance under the pre-
15 ceding sentence shall be provided in coordination with the
16 Government of Afghanistan, in consultation with the local
17 leaders of such regions, and in coordination with the
18 counter-narcotics efforts of other donors, particularly the
19 United Nations Drug Control Program (UNDCP), and
20 the European Union and its member states.

21 (b) LIMITATION.—

22 (1) IN GENERAL.—Subject to paragraph (2),
23 amounts made available to carry out this title for a
24 fiscal year (except amounts made available for as-
25 sistance under paragraphs (1) through (3) and sub-

1 paragraphs (F) through (I) of paragraph (4) of sec-
2 tion 104(a)) may not be provided to an opium pro-
3 ducing region if, with respect to such region, the
4 Government of Afghanistan does not actively, effec-
5 tively, and vigorously participate in illicit narcotics
6 suppression activities or if, beginning on September
7 30, 2003, opium is produced (other than in a de
8 minimis amount, as measured by surveys conducted
9 by the United States Government, the United Na-
10 tions Drug Control Program, or other reliable
11 sources) in such region. Amounts withheld from an
12 opium producing region by reason of the application
13 of the preceding sentence shall be redistributed to
14 qualifying opium producing regions.

15 (2) WAIVER.—

16 (A) IN GENERAL.—The President may
17 waive the restriction on assistance under the
18 first sentence of paragraph (1) with respect to
19 an opium producing region if the President first
20 determines and certifies to Congress that it is
21 in the vital national interest of the United
22 States to do so.

23 (B) CONTENTS OF CERTIFICATION.—A
24 certification transmitted to Congress under sub-
25 paragraph (A) shall include—

1 (i) a full and complete description of
2 the vital national interest of the United
3 States that is placed at risk if assistance
4 to the opium producing region involved is
5 not provided under this section; and

6 (ii) an analysis of the risk described
7 in clause (i) versus the risk to the vital na-
8 tional interest of the United States by rea-
9 son of the failure to exercise the waiver au-
10 thority of subparagraph (A).

11 (c) **ADDITIONAL REQUIREMENT.**—The coordinator
12 designated by the President pursuant to section 106(a)
13 and other appropriate officers of the Department of State
14 and the United States Agency for International Develop-
15 ment shall ensure that assistance under this title is pro-
16 vided, in appropriate amounts, to opium producing regions
17 of Afghanistan consistent with the requirements of sub-
18 sections (a) and (b).

19 **SEC. 106. COORDINATION OF ASSISTANCE.**

20 (a) **DESIGNATION OF COORDINATOR.**—The President
21 is strongly urged to designate, within the Department of
22 State, a coordinator who shall be responsible for—

23 (1) designing an overall strategy to advance
24 United States interests in Afghanistan;

1 (2) ensuring program and policy coordination
2 among agencies of the United States Government in
3 carrying out the policies set forth in this title;

4 (3) pursuing coordination with other countries
5 and international organizations with respect to as-
6 sistance to Afghanistan;

7 (4) ensuring that United States assistance pro-
8 grams for the Afghanistan are consistent with this
9 title;

10 (5) ensuring proper management, implementa-
11 tion, and oversight by agencies responsible for as-
12 sistance programs for Afghanistan; and

13 (6) resolving policy and program disputes
14 among United States Government agencies with re-
15 spect to United States assistance for Afghanistan.

16 (b) **ADDITIONAL REQUIREMENT.**—An individual des-
17 ignated by the President as coordinator pursuant to sub-
18 section (a) may only be an individual who is appointed
19 by the President by and with the advice and consent of
20 the Senate.

21 **SEC. 107. ADMINISTRATIVE PROVISIONS.**

22 (a) **APPLICABLE ADMINISTRATIVE AUTHORITIES.**—
23 Except to the extent inconsistent with the provisions of
24 this title, the administrative authorities under chapters 1
25 and 2 of part III of the Foreign Assistance Act of 1961

1 shall apply to the provision of assistance under this title
2 to the same extent and in the same manner as such au-
3 thorities apply to the provision of economic assistance
4 under part I of such Act.

5 (b) USE OF THE EXPERTISE OF AFGHAN-AMERI-
6 CANS.—In providing assistance authorized by this title,
7 the President should—

8 (1) maximize the use, to the extent feasible, of
9 the services of Afghan-Americans who have expertise
10 in the areas for which assistance is authorized by
11 this title; and

12 (2) in the awarding of contracts and grants to
13 implement activities authorized under this title, en-
14 courage the participation of such Afghan-Americans
15 (including organizations employing a significant
16 number of such Afghan-Americans).

17 (c) ADMINISTRATIVE EXPENSES.—Not more than 5
18 percent of the amount made available to a Federal depart-
19 ment or agency to carry out this title for a fiscal year
20 may be used by the department or agency for administra-
21 tive expenses in connection with such assistance.

22 (d) MONITORING.—

23 (1) COMPTROLLER GENERAL.—The Comp-
24 troller General shall monitor the provision of assist-
25 ance under this title.

1 (2) INSPECTOR GENERAL OF USAID.—

2 (A) IN GENERAL.—The Inspector General
3 of the United States Agency for International
4 Development shall conduct audits, inspections,
5 and other activities, as appropriate, associated
6 with the expenditure of the funds to carry out
7 this title.

8 (B) FUNDING.—Not more than
9 \$1,500,000 of the amount made available to
10 carry out this title for a fiscal year shall be
11 made available to carry out subparagraph (A).

12 (e) CONGRESSIONAL NOTIFICATION PROCEDURES.—
13 Funds made available to carry out this title may not be
14 obligated until 15 days after notification of the proposed
15 obligation of the funds has been provided to the congres-
16 sional committees specified in section 634A of the Foreign
17 Assistance Act of 1961 in accordance with the procedures
18 applicable to reprogramming notifications under that sec-
19 tion.

20 (f) AUTHORITY TO PROVIDE ASSISTANCE.—Assist-
21 ance under this title may be provided notwithstanding any
22 other provision of law.

23 **SEC. 108. AUTHORIZATION OF APPROPRIATIONS.**

24 (a) IN GENERAL.—There are authorized to be appro-
25 priated to the President to carry out this title

1 \$200,000,000 for fiscal year 2002, \$300,000,000 for each
2 of the fiscal years 2003 and 2004, and \$250,000,000 for
3 fiscal year 2005. Amounts authorized to be appropriated
4 pursuant to the preceding sentence for fiscal year 2002
5 are in addition to amounts otherwise available for assist-
6 ance for Afghanistan.

7 (b) AVAILABILITY.—Amounts appropriated pursuant
8 to the authorization of appropriations under subsection (a)
9 are—

10 (1) authorized to remain available until ex-
11 pended; and

12 (2) in addition to funds otherwise available for
13 such purposes, including, with respect to food assist-
14 ance under section 104(a)(1), funds available under
15 title II of the Agricultural Trade Development and
16 Assistance Act of 1954, the Food for Progress Act
17 of 1985, and section 416(b) of the Agricultural Act
18 of 1949.

1 **TITLE II—MILITARY ASSISTANCE**
2 **FOR AFGHANISTAN AND CER-**
3 **TAIN OTHER FOREIGN COUN-**
4 **TRIES AND INTERNATIONAL**
5 **ORGANIZATIONS**

6 **SEC. 201. SUPPORT FOR SECURITY DURING TRANSITION IN**
7 **AFGHANISTAN.**

8 It is the sense of Congress that, during the transition
9 to a broad-based, multi-ethnic, gender-sensitive, fully rep-
10 resentative government in Afghanistan, the United States
11 should support—

12 (1) the development of a civilian-controlled and
13 centrally-governed standing Afghanistan army that
14 respects human rights;

15 (2) the creation and training of a professional
16 civilian police force that respects human rights; and

17 (3) a multinational security force in Afghani-
18 stan.

19 **SEC. 202. AUTHORIZATION OF ASSISTANCE.**

20 (a) **TYPES OF ASSISTANCE.—**

21 (1) **IN GENERAL.—**(A) To the extent that funds
22 are appropriated in any fiscal year for the purposes
23 of this Act, the President may provide, on such
24 terms and conditions as he may determine, defense
25 articles, defense services, counter-narcotics, crime

1 control and police training services, and other sup-
2 port (including training) to the Government of Af-
3 ghanistan.

4 (B) To the extent that funds are appropriated
5 in any fiscal year for these purposes, the President
6 may provide, on such terms and conditions as he
7 may determine, defense articles, defense services,
8 and other support (including training) to eligible for-
9 eign countries and eligible international organiza-
10 tions.

11 (C) The assistance authorized under subpara-
12 graph (B) shall be used for directly supporting the
13 activities described in section 203.

14 (2) DRAWDOWN AUTHORITY.—The President is
15 authorized to direct the drawdown of defense arti-
16 cles, defense services, and military education and
17 training for the Government of Afghanistan, eligible
18 foreign countries, and eligible international organiza-
19 tions.

20 (3) AUTHORITY TO ACQUIRE BY CONTRACT OF
21 OTHERWISE.—The assistance authorized under
22 paragraphs (1) and (2) and under Public Law 105–
23 338 may include the supply of defense articles, de-
24 fense services, counter-narcotics, crime control and
25 police training services, other support, and military

1 education and training that are acquired by contract
2 or otherwise.

3 (b) AMOUNT OF ASSISTANCE.—The aggregate value
4 (as defined in section 644(m) of the Foreign Assistance
5 Act of 1961) of assistance provided under subsection
6 (a)(2) may not exceed \$300,000,000, provided that such
7 limitation shall be increased by any amounts appropriated
8 pursuant to the authorization of appropriations in section
9 204(b)(1).

10 **SEC. 203. ELIGIBLE FOREIGN COUNTRIES AND ELIGIBLE**
11 **INTERNATIONAL ORGANIZATIONS.**

12 A foreign country or international organization shall
13 be eligible to receive assistance under section 202 if such
14 foreign country or international organization is partici-
15 pating in or directly supporting United States military ac-
16 tivities authorized under Public Law 107–40 or is partici-
17 pating in military, peacekeeping, or policing operations in
18 Afghanistan aimed at restoring or maintaining peace and
19 security in that country, except that no country the gov-
20 ernment of which has been determined by the Secretary
21 of State to have repeatedly provided support for acts of
22 international terrorism under section 620A of the Foreign
23 Assistance Act of 1961 (22 U.S.C. 2371), section 6(j)(1)
24 of the Export Administration Act of 1979 (50 U.S.C. App.
25 2405(j)(1)), or section 40(d) of the Arms Export Control

1 Act (22 U.S.C. 2780(d)) shall be eligible to receive assist-
2 ance under section 202.

3 **SEC. 204. REIMBURSEMENT FOR ASSISTANCE.**

4 (a) IN GENERAL.—Defense articles, defense services,
5 and military education and training provided under sec-
6 tion 202(a)(2) shall be made available without reimburse-
7 ment to the Department of Defense except to the extent
8 that funds are appropriated pursuant to the authorization
9 of appropriations under subsection (b)(1).

10 (b) AUTHORIZATION OF APPROPRIATIONS.—

11 (1) IN GENERAL.—There are authorized to be
12 appropriated to the President such sums as may be
13 necessary to reimburse the applicable appropriation,
14 fund, or account for the value (as defined in section
15 644(m) of the Foreign Assistance Act of 1961) of
16 defense articles, defense services, or military edu-
17 cation and training provided under section
18 202(a)(2).

19 (2) AVAILABILITY.—Amounts appropriated pur-
20 suant to the authorization of appropriations under
21 paragraph (1) are authorized to remain available
22 until expended, and are in addition to amounts oth-
23 erwise available for the purposes described in this
24 title.

1 **SEC. 205. AUTHORITY TO PROVIDE ASSISTANCE.**

2 (a) GOVERNMENT OF AFGHANISTAN.—Assistance to
3 the Government of Afghanistan under this title may be
4 provided notwithstanding any other provision of law.

5 (b) ELIGIBLE FOREIGN COUNTRIES AND ELIGIBLE
6 INTERNATIONAL ORGANIZATIONS.—

7 (1) AUTHORITY.—The President may provide
8 assistance under this title to any eligible foreign
9 country or eligible international organization not-
10 withstanding any other provision of law (other than
11 provisions of this title) if the President determines
12 that such assistance is important to the national se-
13 curity interest of the United States and notifies the
14 Committee on International Relations of the House
15 of Representatives and the Committee on Foreign
16 Relations of the Senate of such determination at
17 least 15 days in advance of providing such assist-
18 ance.

19 (2) NOTIFICATION.—The report described in
20 paragraph (1) shall include information relating to
21 the type and amount of assistance proposed to be
22 provided and the actions that the proposed recipient
23 of such assistance has taken or has committed to
24 take.

1 **SEC. 206. SUNSET.**

2 The authority of this title shall expire on December
3 31, 2004.

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